

RECEIVED
CENTRAL FAX CENTER
OCT 21 2004

NELSON & ROEDIGER

ATTORNEYS AT LAW
3333 E. Camelback Road, Ste. 212
Phoenix, Arizona 85018
TELEPHONE (602) 263-8782
FACSIMILE (602) 265-5984

PATENTS
TRADEMARKS
COPYRIGHTS
INFRINGEMENTS

GREGORY J. NELSON
JOSEPH M. ROEDIGER

REGISTERED PATENT ATTORNEYS

Greg@Nelson-Roediger.com

Name: Examiner G.E. Elkins, A/U 3727
Organization: USPTO
Fax: (703) 872-9306
Phone:
From: Stephanie L. Goff for Gregory J. Nelson
Date: October 21, 2004
Subject: U.S. Patent Application SN ~~10435177~~ 10621563
Applicants: Robert L. And Betty Wilson
Titled: "Folding Luggage Rack for Motorcycles"
Filed: July 16, 2003
Pages: 3 (including coversheet)

10/621653 wrong no.
10621563

Comments:

Dear Examiner Elkins:

Attached is the Response & Amendment regarding the above-referenced subject matter.

Very truly yours,
NELSON & ROEDIGER
Gregory J. Nelson

The original of this facsimile message transmitted herewith ____ will XX will not be sent to the recipient via the United States Postal Service.

CAUTION: The information contained in this facsimile message is confidential and intended solely for the use of the individual or entity named above.

Should you encounter difficulties in receiving this facsimile, please contact the office at the telephone number listed above.

RECEIVED
CENTRAL FAX CENTER

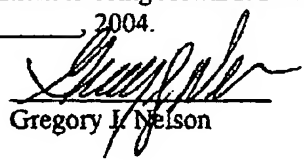
OCT 21 2004

Certificate of Mailing

I hereby certify that this document is being forwarded via facsimile to: 703.872.9306 this

21st day of Oct. 2004.

Dated: 10/21/2004


Gregory I. Nelson

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: ROBERT L. and BETTY WILSON)

Serial No.: 10/621,563)

Ex. G.E. ELKINS
A/U 3727

Filing Date: July 16, 2003)

Title: "Folding Luggage Rack for Motorcycles")

RESPONSE & AMENDMENT

MAIL STOP NON FEE AMENDMENT

Commissioner For Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated September 27, 2004. The Examiner has required restriction. Applicants provisionally elect the claims in Group 1, Claims 1 to 7 drawn to a rack. Applicants respectfully traverses the requirement as they believe material differences do not exist. The Examiner set forth an example that the rack of Claim 1 could be attached as an OEM item or as original equipment, as opposed to Claim

Application SN: 40/621,563 *wrong no.*
Amendment Dated: October 21, 2004
Reply to Office Action of: September 27, 2004


8 which requires a step of removing the existing sissy bar and that plates that mount it.

The differences are not believed to be material as the same rack structure is involved whether or not it is installed at the factory or as an OEM item. As an OEM item, the step of removing the sissy bar obviously would not have to be practiced but in other respects
5 the procedure is the same and it is believed that efficiency and economy are in favor of retaining all of the claims of the present application. Again, the product, as claimed, whether installed as an OEM item or an after-market item, utilizes essentially the same installation process.

A favorable action is respectfully solicited.

10 Respectfully submitted,

Dated: 10/21/2004


Gregory J. Nelson, Reg. No. 22,066
NELSON & ROEDIGER
Attorneys for Applicant
3333 E. Camelback Road, Suite 212
Phoenix, AZ 85018
(602) 263-8782